

To: Mike DeLapa

From: Steve Scheiblauber

Date: September 14, 2005

Subject: Comments on Materials

Adopted Provisional Regional Goals, Objectives, and Design Implementation Considerations

I still believe, given the 12 to 13 clarifying vote, that the socio-economic language should be moved from design considerations to become an objective. However, my greater comment is about our decision-making process. I believe that the way Conur is framing some of these questions becomes quite confusing. I certainly don't think this is deliberate, but I think that in our effort to move things along, we are adopting the lowest common denominator standard of "I can live with this" or "I can't live with this." The problem is that there are often other ways of phrasing these questions that would reveal more the intent of the group, whether it be a split decision or whether it be a majority affirmation or rejection of something. We have important decisions to make, so I hope that this can be cleared up.

Staff Analysis of TBD Issues

On page 3, in the recommendation, exists the statement "Impaired water quality in an area is not by itself a rationale for excluding an area as an MPA." I believe that impaired water quality could well, by itself, be a rationale for excluding an area as an MPA. The ensuing discussion that follows actually proves the point that impaired water quality may be by itself a reason to exclude an area as an MPA. I also note that bullet #3 states that "these impacts should be documented and not simply presumed." It may not be the case that areas which are known anecdotally to have chronically impaired water quality will necessarily have scientifically documented evidence of that. Lastly, in this section, it should be recognized that imposing a higher water quality standard on to a community that discharges may require significant mitigation funding. The conclusion of the memo alludes to this, but I believe it needs to be stated clearly that without this funding, imposing a higher water quality standard for the purpose of improving MPA cannot be justified.

Effects of Top-End Predators

The memo suggests that concern over the effects of top-end predators amounts to species management. However, in fact, it embodies the heart of ecosystem-based management, in as much as it is viewing the inter-relatedness of all species. The memo acknowledges that "no analysis has been conducted on the short-term or long-term impact of this consumption on populations of prey." Certainly, this needs to be done. The staff recommendation is correct regarding the need to monitor the effects of top-end predator impacts, at least in designated MPAs. And this information should be used in adaptive management of the MPAs. The recommendation also mentions evaluating the effects of MPAs in the design of MPAs; however, it is silent about what that means. I suggest that it should mean that even if only based on solid anecdotal information, that the presence of high populations of sea lions in an area, such as the area along Cannery Row, would be sufficient to disqualify an area for consideration, for at least a marine reserve.

Public Safety

Public safety considerations need to be an important part of the design criteria. Generally, MPAs that restrict recreational fishing should be located far enough away from harbors or other launching sites used by recreational anglers, so as to not force small vessels farther from shore. In the example of the Santa Cruz area, there are small boat rental fleets off both Capitola and Santa Cruz wharves. MPAs that restrict angling should not be located within those vessels' standard operating ranges. In the case of Monterey, it is also important to understand when and by whom this consideration becomes critical. The "who" is primarily skiff fishermen, who inherently have a limited range, and the "when" is typically when weather conditions are less than ideal. In these cases, these small boats are likely to still go fishing, but want to stay close around the harbor area. Therefore, in using public safety as a critical design criteria, no MPA that restricts recreational angling should occur within a mile from the launch ramps at Monterey Harbor.

Clam Populations

Regarding the recommendation, I certainly hope there is some creative thinking about how to utilize these existing clam MPAs in ways that do not affect sea otters.

Desalinization

I concur with the recommendation.

Regarding the August 24th memo from John Kirlin, regarding "design considerations and implementation issues":

Although I understand it, I think that the insistence by the MLPAL team that regional objectives be "specific and measurable" in all circumstances is a mistake. Certainly the objectives, for lack of a better word, for individual MPAs need to have measurable standards. However, the goals of the MLPAL are so broad that it is appropriate, in my opinion, that at least some regional objectives be included that are not necessarily precisely measurable. This might be in the category of "things we really want to make sure this MPA takes into account or accomplishes." This would be, in my opinion, a legitimate use of the word "objective" and should be included.

This memo also does not speak to the relative importance of objectives, design or implementation considerations. Perhaps this is for a future memo.

Regarding the September 1st memo from Mike DeLapa regarding "responses to your request for information":

Regarding California sea lions:

The statement that California sea lions consume around 8500 tons of prey species in 2001 and 2002 may well be correct. However, there are cycles of sea lions which occur in the Monterey Bay and that was a low year. In following years, which were much better squid years, there were approximately 10 to 15 times the number of California sea lions, at least in the southern end of Monterey Bay, who stayed for about seven months. The consumption rate is cyclic, and I believe the number quoted is a low average.

Regarding the several discussions in this memo regarding larval transport, questions like "What species are in need of larval enhancement and how do we

know this?” and “Can we identify larvae sufficiently to know from where they came and to whence they go?” and finally “What are the effects of good, conventional management measures on larval transport and recruitment ?” All these questions need to be explored.

Regarding section B-25:

As a general remark, I hope that none of the socioeconomic materials being developed are publicly released until they have been externally (to the SAT) professionally peer-reviewed. Specifically, the statement in this section that says, “Conventional wisdom also suggests that simply restricting certain kinds of users from an area can increase the value of that area for other users” is nearly meaningless. What kind of value? If economic value is what is inferred, that is not necessarily true. If you mean personal intrinsic value, then that is probably a fair statement, but also relatively meaningless in terms of our determination of MPA sites.

Regarding section B-29

The statement “If you were to set a goal of minimizing negative impacts, you would end up locating MPAs only where there are no people” is simply false and needs to be removed. Likewise the statement, “The only way to minimize impacts on non-extractors is by reducing extraction” is also not a correct statement and needs to be removed. Especially troubling in this section is the statement “This does not mean that every individual is better off because of an MPA. Someone who incurs a cost represents a “negative” net benefit. In order to maximize total net benefit, we need to make sure that any net benefit to one party is greater than any cost (net negative benefit) that an MPA may impose on another party.” This section is very troubling because it would set the stage for the destruction of one economic activity center in favor of another, which is a different concept than minimizing socioeconomic costs to users. I do not believe that the language of the MLPA supports this interpretation of the role of socioeconomics, and this section should be removed or substantially modified.

Framework for Evaluating Existing MPAs

This framework should be a useful tool, provided that all levels of protection, enforcement, monitoring, education, etc., are incorporated, which should be inclusive rather than exclusive during this process. At some point, the end result of this process needs to be a fairly clear statement of what goals and objectives have been accomplished by the State’s existing system of MPAs, other closed areas, and fishery and other marine management measures. It is only then that we’ll be able to know what need to be added, if anything, to fulfill the requirements of the act.

Thank you for considering these thoughts.